

APPEAL NO. 020989
FILED JUNE 4, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 28, 2002. The hearing officer determined that the appellant (claimant) did not sustain a new compensable injury on _____, and did not have disability from such alleged new injury. He determined that her problems were a continuation of her earlier compensable injury of _____.

The claimant has appealed, arguing facts that point to the occurrence of a new injury. The respondent (carrier) responds that the decision is supported by the record.

DECISION

Affirmed.

Whether an injury is a new injury or continuation of a previous injury is a factual question for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We have reviewed the complained-of matters and conclude that the hearing officer's decision is supported by sufficient evidence.

The decision and order of the hearing officer are affirmed.

The true corporate name of the self-insured is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

**SA
(ADDRESS)
(CITY), TEXAS ZIP CODE).**

Susan M. Kelley
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Roy L. Warren
Appeals Judge